

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARTEL HOPKINS,

Petitioner,

v.

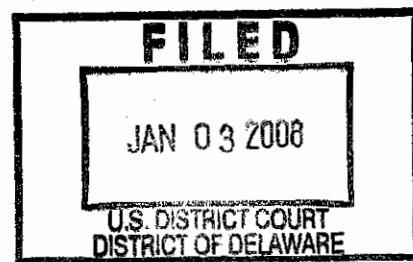
MIKE DELOY, Warden at the
Sussex Correctional Institution,

Respondent.

CASE NUMBER

- 0 8 - 0 0 6 -

PETITIONER'S HABEAS CORPUS APPENDIX



BO scanned

Dated: 12/30/07

Arte Hopkins

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SUPERIOR COURT CRIMINAL DOCKET
(as of 09/18/2007)

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State of Delaware v. ARTEL J HOPKINS
State's Atty: DAVID HUME, Esq.
Defense Atty: JOHN S MALIK, Esq.

DOB: 07/12/1972

AKA: ARTEL HOPKINS
ARTEL HOPKINS

Assigned Judge:

Charges:

Count	DUC#	Crim.Action#	Description	Dispo.	Dispo. Date
001	0402002032	S04020653R1	TRF.COC.>100 GR	GLTY	09/20/2004
002	0402002032	S04020654R1	PWITDW NSI CS	GLTY	09/20/2004
003	0402002032	S04020655R1	MAINT VEHICLE	GLTY	09/20/2004
004	0402002032	S04020656R1	CONSP 2ND	GLTY	09/20/2004
005	0402002032	S04020657R1	POSS DRUG PARAP	GLTY	09/20/2004

No.	Event	Date	Event	Judge
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1 02/19/2004
CASE ACCEPTED IN SUPERIOR COURT.
ARREST DATE: 02/03/2004
PRELIMINARY HEARING DATE:
BAIL: CASH BAIL 2,112,000.00

03/04/2004
ENTRY OF APPEARANCE BY JOHN SANDY, ESQ.

3 03/04/2004
CERTIFICATE OF SERVICE FILED BY JOHN SANDY

4 03/04/2004
CERTIFICATE OF SERVICE FILED BY JOHN SANDY

5 03/24/2004
MOTION TO AMEND TERMS OF BOND FILED BY JOHN SANDY TO BE HEARD
3/26/04 AT 11:00

6 03/26/2004
MOTION TO AMEND BOND GRANTED.
BOND IS CHANGED TO \$5000000.00 SECURED ON S04-02-0653 AND \$400.00
UNSECURED ON ALL REMAINING CHARGES
CR-KIMMEL

7 04/02/2004
WAIVER OF INDICTMENT & INFORMATION FILED.
ARREST DATE +ARRDAT+

8 05/06/2004
ARRAIGNMENT CALENDAR - DEFENDANT WAIVED READING; ENTERED PLEA OF NOT
GUILTY; JURY TRIAL DEMANDED.
CASE REVIEW DATE: 5-17-04 AT 9 A.M.

9 05/19/2004
CASE REVIEW CALENDAR: SET FOR FINAL CASE REVIEW.
FCR: 7/7/04 AND JT: 7/14/04

CERTIFIED

AS A TRUE COPY

ATTEST: Sayce M. Callies
PHOTONOTARYPER: Janelle Mengel
CLERK

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SUPERIOR COURT CRIMINAL DOCKET
(as of 09/18/2007)

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State of Delaware v. ARTEL J HOPKINS
 State's Atty: DAVID HUME , Esq.
 Defense Atty: JOHN S MALIK , Esq.

DOB: 07/12/1972

AKA: ARTEL HOPKINS
 ARTEL HOPKINS

No.	Event	Date	Event	Judge
10	06/02/2004		MOTION TO COMPEL FILED BY JOHN M. SANDY, ESQUIRE TO BE HEARD ON FRIDAY, JUNE 4, 2004 AT 11:00 A.M.	
11	06/04/2004		MOTION TO COMPEL WITHDRAWN BY JOHN SANDY	
12	06/18/2004		LETTER FROM JOHN MALIK, ESQ TO JUDGE GRAVES. RE: A CONTINUANCE REQUEST	
13	06/24/2004		NOTICE OF SERVICE - DISCOVERY REQUEST FILED BY JOHN S. MALIK, ESQ.	
14	06/25/2004		SUBSTITUTION OF COUNSEL FILED BY JOHN SANDY, ESQ. TO REPLACE JOHN MALIK.	
15	06/28/2004		SUBPOENA(8) ISSUED.	
16	06/28/2004		SUBPOENA(S) ISSUED.	
17	07/14/2004		CONTINUANCE REQUEST FILED BY THE STATE.	
18	08/13/2004		MOTION TO SUPPRESS FILED BY JOHN S. MALIK, ESQ. NOT MOTIONED FOR A SPECIFIC DATE OR TIME, ADVISED HIS OFFICE TO RE- NOTICE.	
19	08/13/2004		MOTION TO COMPEL DISCLOSURE OF CONFIDENTIAL INFORMANT, FILED BY JOHN S. MALIK, ESQ. NOT MOTIONED FOR A SPECIFIC DATE OR TIME, ADVISED HIS OFFICE TO RE- NOTICE.	
20	08/13/2004		MOTION TO COMPEL DISCOVERY, FILED BY JOHN S. MALIK, ESQ. NOT MOTIONED FOR A SPECIFIC DATE OR TIME, ADVISED HIS OFFICE TO RE- NOTICE.	
21	08/13/2004		LETTER FROM VIOLA E. CASEY(LEGAL ASSISTANT) TO COURT RE: MOTIONS FILED.	
22	08/19/2004		SUBPOENA(8) ISSUED.	
23	08/19/2004		SUBPOENA(1) ISSUED.	
24	09/01/2004		MOTION TO SUPPRESS FILED BY JOHN MALIK TO BE HEARD 9/3/04 AT 11:00	
25	09/01/2004			

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State of Delaware v. ARTEL J HOPKINS

DOB: 07/12/1972

State's Atty: DAVID HUME , Esq.

AKA: ARTEL HOPKINS

Defense Atty: JOHN S MALIK , Esq.

ARTEL HOPKINS

	Event		Event	Judge
	MOTION TO COMPEL DISCLOSURE OF CONFIDENTIAL INFORMANT FILED BY JOHN MALIK TO BE HEARD ON 9/3/04 AT 11:00			
26	09/01/2004	MOTION TO COMPEL DISCOVERY FILED BY JOHN MALIK TO BE HEARD ON 9/3/04 AT 11:00		
27	09/03/2004	MOTION TO COMPEL GRANTED, STATE TO PROVIDE INFORMATION BY 9/7/04.		GRAVES T. HENLEY
28	09/03/2004	MOTION FOR DISCOVERY GRANTED, STATE TO PROVIDE REMAINING DISCOVERY TO DEFENSE WHEN AVAILABLE. DEFENSE SAID STATE HAD MET MOST OF DISCOVERY REQUESTS.		GRAVES T. HENLEY
29	09/03/2004	MEMORANDUM FILED APPROVING MOTION TO SUPPRESS.		GRAVES T. HENLEY
30	09/08/2004	FINAL CASE REVIEW: NO PLEA/SET FOR TRIAL ON 9/14/04. MOTION TO SUPPRESS TO BE HEARD MORNING OF TRIAL. CR-WASHINGTON		GRAVES T. HENLEY
33	09/08/2004	SUBPOENA(S) ISSUED.		
32	09/13/2004	SUPPLEMENT TO DISCOVERY FILED BY DONALD BUCKLIN.		
31	09/14/2004	TRIAL CALENDAR/SUPPRESSION HEARING: MOTION GRANTED		STOKES RICHARD F.
34	09/14/2004	VOIR DIRE QUESTIONS FILED.		
35	09/14/2004	DEFENDANT'S PROPOSED VOIRDIRE QUESTIONS FILED BY ATTY. MALIK.		
36	09/14/2004	JURY SELECTED.		
37	09/14/2004	TRIAL CALENDAR- WENT TO TRIAL JURY STOKES/QUINN/REMENTER SUPPRESSION HEARING BEGINS. JUDGE STOKES GRANTS THE SUPPRESSION MOTION. TRIAL BEGINS 9/15/04 STOKES/WASHINGTON/WILLIAMS 9/16/04 STOKES/QUINN/WILLIAMS/REMENTER 9/17/04 STOKES/WASHINGTON/WILLIAMS		STOKES RICHARD F.
38	09/20/2004	JURY TRIAL - DEFENDANT FOUND GUILTY/PSI ORDERED. STOKES/KIMMEL/REMENTER DEFENDANT FOUND GUILTY_AS TO COUNT #1,#2,#3,#4,#5		STOKES RICHARD F.

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State of Delaware v. ARTEL J HOPKINS DOB: 07/12/1972
 State's Atty: DAVID HUME , Esq. AKA: ARTEL HOPKINS
 Defense Atty: JOHN S MALIK , Esq. ARTEL HOPKINS

No.	Event	Date	Event	Judge
	BAIL IS REVOKED. SENTENCING DATE: 11/12/04			
39	09/20/2004		CHARGE TO THE JURY FILED.	
40	09/20/2004		REVISED COMMITTMETN DEPARTMENT OF CORRECTION.	
41	09/20/2004		COMMITMENT TO DEPARTMENT OF CORRECTION.	STOKES RICHARD F.
42	11/12/2004		SENTENCING CALENDAR: DEFENDANT SENTENCED.	STOKES RICHARD F.
43	12/16/2004		LETTER FROM CATHY L. HOWARD TO EILEEN KIMMEL RE: ADVISING THAT THE TRANSCRIPT MUST BE FILED WITH THE PROTHONOTARY NO LATER THAN JANUARY 24, 2005.	
44	12/16/2004		NOTICE OF APPEAL FILED BY JOHN S. MALIK, ESQUIRE	
45	12/16/2004		DIRECTIONS TO COURT REPORTER FOR TRANSCRIPT FILED BY JOHN MALIK, ESQ.	
46	03/24/2005		LETTER FROM DEBORAH WEBB TO EILEEN KIMMEL, CHIEF COURT REPORTER RE: THE TRANSCRIPT MUST BE FILED WITH THE PROTHONOTARY NO LATER THAN 5-4-05.	
49	05/06/2005		LETTER FROM DAVID WASHINGTON TO CATHY HOWARD, SUPREME COURT RE: REQUESTING EXTENSION IN FILING TRANSCRIPT.	
50	05/10/2005		LETTER FROM LISA SEMANS TO DAVID WASHINGTON, COURT REPORTER RE: REQUEST FOR EXTENSION IS GRANTED, TRANSCRIPT MUST BE FILED NO LATER THAN 6/3/05.	
47	06/09/2005		LETTER FROM CHRISTINE QUINN TO CATHY HOWARD, SUPREME COURT RE: REQUESTING EXTENTION OF TIME TO FILE TRANSCRIPT	
48	06/09/2005		LETTER FROM LISA SEMANS, SUPREME COURT, TO CHRISTINE QUINN RE: ADVISING REQUEST FOR EXTENSION OF TIME TO FILE TRANSCRIPT IS GRANTED AND TRANSCRIPT IS DUE NO LATER THAN 7/5/05	
51	06/28/2005		TRANSCRIPT OF PROCEEDINGS (VOLUME A) ON 9-14-04 BEFORE JUDGE STOKES FILED BY CHRISTINE QUINN, OFFICIAL COURT REPORTER.	
52	06/28/2005		TRANSCRIPT OF PROCEEDINGS (VOLUME C) ON 9-16-04 BEFORE JUDGE STOKES FILED BY CHRISTINE QUINN, OFFICIAL COURT REPORTER.	
53	07/01/2005			

SUPERIOR COURT CRIMINAL DOCKET
(as of 09/18/2007)

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State of Delaware v. ARTEL J HOPKINS

DOB: 07/12/1972

State's Atty: DAVID HUME , Esq.

AKA: ARTEL HOPKINS

Defense Atty: JOHN S MALIK , Esq.

ARTEL HOPKINS

	Event		Event	Judge
	TRANSCRIPT OF PROCEEDINGS (VOLUME D) HELD IN SUPERIOR COURT ON 9/17/04			
	HEARD BY JUDGE STOKES FILED BY DAVID WASHINGTON			
54	07/01/2005		TRANSCRIPT OF PROCEEDINGS (VOLUME B) HELD IN SUPERIOR COURT BY 9/15/04	
			HEARD BY JUDGE STOKES FILED BY DAVID WASHINGTON	
55	07/01/2005		TRANSCRIPT OF PROCEEDINGS (SENTENCING) HELD IN SUPERIOR COURT ON	
			11/12/04 HEARD BY JUDGE STOKES FILED BY DAVID WASHINGTON	
56	07/01/2005		TRANSCRIPT OF PROCEEDINGS (VOLUME E) HELD IN SUPERIOR COURT ON 9/20/04	
			HEARD BY JUDGE STOKES FILED BY EILEEN KIMMEL	
57	07/01/2005		NOTICE OF APPEAL FILED TO SUPREME COURT. RECORD IS DUE NO LATER THAN	
			10 DAYS FROM RECEIPT OF TRANSCRIPT	
59	07/07/2005		LETTER FROM LISA SEMANS (SUPREME COURT) TO COURT RE: ADVISING THE	
			RECORD MUST BE FILED NO LATER THAN 7/11/05.	
58	07/11/2005		RECORDS SENT TO SUPREME COURT VIA STATE MAIL	
60	07/15/2005		RECEIPT OF RECORDS ACKNOWLEDGED BY SUPREME COURT	
61	08/25/2005		LETTER FROM JOHN S. MALIK TO THE HON. T. HENLEY GRAVES	
			RE: REQUESTING THE COURT TO FAX THE NEEDED COURT EXHIBITS FOR THE	
			APPENDIX IN SUPPORT OF APPELLANT'S OPENING BRIEF. (GRANTED BY JUDGE	
			BRADLEY) FAXED ON 8/25/05.	
62	09/19/2005		LETTER FROM TRACY DOTSON TO SUPREME COURT	
			RE: ENCLOSING TWO TRANSCRIPTS, VOLUMES A AND C, THAT WERE NOT SENT	
			WITH APPEAL ON 7/11/05	
63	03/22/2006		RECORDS RETURNED FROM SUPREME COURT.	
64	03/22/2006		MANDATE FILED: JUDGMENT OF SUPERIOR COURT AFFIRMED.	
65	07/12/2006		LETTER FROM JOHN DONAHUE, DAG. TO COURT RE: REQUEST FOR RETURN OF	
			EVIDENCE.	
66	07/12/2006		BRADLEY E. SCOTT	
		ORDER:		
		WHEREAS THIS 12TH DAY OF JULY, 2006, THE STATE'S REQUEST FOR		
		RETURN OF EVIDENCE IS GRANTED. THE PROTHONOTARY SHALL RELEASE THE		
		REQUESTED EVIDENCE TO THE CUSTODY OF DETECTIVE DAN WRIGHT OF THE		

AS

SUPERIOR COURT CRIMINAL DOCKET
(as of 09/18/2007)

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State of Delaware v. ARTEL J HOPKINS DOB: 07/12/1972
 State's Atty: DAVID HUME , Esq. AKA: ARTEL HOPKINS
 Defense Atty: JOHN S MALIK , Esq. ARTEL HOPKINS

No.	Event	Date	Event	Judge
	DELAWARE STATE POLICE.			
67	01/29/2007		MOTION FOR POSTCONVICTION RELIEF FILED.	
68	04/27/2007			STOKES RICHARD F.
			MOTION FOR POSTCONVICTION RELIEF (R1) DENIED	
69	05/21/2007			
			LETTER FROM CATHY L. HOWARD TO JOYCE COLLINS	
			RE: PURSUANT TO SUPREME COURT RULE 9(B)(II), THE RECORD MUST BE FILED	
			WITH THIS OFFICE NO LATER THAN JUNE 11, 2007.	
70	06/06/2007			
			RECORDS SENT TO SUPREME COURT.	
71	06/11/2007			
			RECEIPT OF RECORDS ACKNOWLEDGED BY SUPREME COURT.	

*** END OF DOCKET LISTING AS OF 09/18/2007 ***
 PRINTED BY: CSCJMEG

A6

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE : CRA#S

v. :

ARTEL J. HOPKINS :
ID# 0402002032 : INFORMATION

The Attorney General of the State of Delaware by information makes that ARTEL J. HOPKINS did commit the following offenses, to wit:

COUNT 1- TRAFFICKING IN COCAINE OF 100 GRAMS OR GREATER - S04-02-0653

ARTEL J. HOPKINS, on or about the 3rd day of February, 2004, in the County of Sussex, State of Delaware, did as a principle or an accomplice (under the full definition of 11 Del. Code Section 271) did knowingly and unlawfully possess 100 grams or greater of COCAINE, [a Narcotic Schedule I Controlled Substance, as classified under 16 Del. C., Section 4716(b)(4)] in violation of Title 16, Section 4753A(a)(2)(c) of the Delaware Code.

COUNT 2- POSSESSION WITH INTENT TO DELIVER COCAINE

S04-02-0654

ARTEL J. HOPKINS, on or about the 3rd day of February, 2004, in the County of Sussex, State of Delaware, did knowingly and unlawfully possess with intent to deliver COCAINE, [a Narcotic Schedule II Controlled Substance, classified under 16 Del. C. Section 4716(b)(4)], in violation of Title 16, Section 4751 of the Delaware Code.

PROTH ✓
D

FILED PROTHONOTARY
SUSSEX COUNTY
2004 APR -2 PM 1:03

COUNT 3 - MAINTAINING A BUILDING FOR KEEPING CONTROLLED

SUBSTANCES - S04-02-0655

ARTEL J. HOPKINS, on or about the 3rd day of February, 2004, in the County of Sussex, State of Delaware, did knowingly keep or maintain a building (at or about Room 307, Best Western, SeafordDE) used for keeping or delivering controlled substances, in violation of Title 16, Section 4755 (a)(5) of the Delaware Code.

COUNT 4 - CONSPIRACY SECOND DEGREE - S04-02-0656

ARTEL J. HOPKINS, on or about the 3rd day of February, 2004, in the County of Sussex, State of Delaware, did when intending to promote the commission of a felony, did agree with Raymond Bacon to engage in conduct constituting the felony of Trafficking Cocaine, and did commit an overt act in furtherance of said conspiracy, in violation of Title 11, Section 512 of the Delaware Code.

COUNT 5 - POSSESSION OF DRUG PARAPHERNALIA - S04-02-0657

ARTEL J. HOPKINS, on or about the 3rd day of February, 2004, in the County of Sussex, State of Delaware, did use or possess with intent to use drug paraphernalia (to wit: defendant did possess glass pot, electric burner, spoons and scales) to prepare, process, test, store, contain, ingest, inhale or otherwise introduce into the human body a controlled substance, in violation of Title 16, Section 4771 of the Delaware Code.

s/M. JANE BRADY
ATTORNEY GENERAL

DEPUTY ATTORNEY GENERAL

DATED: 1-2-04
elb

A-8

A-164

WRIGHT - Direct

1 Q And how long have you been so assigned?

2 A Nine years.

3 Q And just briefly, what is the main duties of
4 the Special Investigation Unit?

5 A We primarily work in an undercover capacity.
6 We investigate the illegal distribution or
7 consumption of manufacturing illegal controlled
8 substances.

9 Q And you were so employed on February 1st of
10 this year?

11 A Yes, sir, I was.

12 Q In late January and early February, did you
13 come to know an individual by the name of Pedro
14 Marte?

15 A Yes, sir, I did.

16 Q How did you come to know him?

17 A I initiated an investigation where Mr. Marte
18 was going to be delivering. I received information
19 that Mr. Marte was delivering two kilograms of
20 cocaine from New York to a subject in Delaware.

21 Q And what action did you take in response to
22 that?

23 A We conducted an investigation, and we were

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

A-9

A-165

WRIGHT - Direct

1 able to arrest Mr. Marte in possession of two kilos
2 of cocaine.

3 Q Was he charged as a result of that incident?

4 A Yes, he was.

5 Q Do you remember what the charges were?

6 A Trafficking cocaine, possession with intent
7 to deliver, maintaining a vehicle, maintaining a
8 building or motel, possession of a firearm during the
9 commission of a felony, and I believe possession of a
10 firearm by person prohibited.

11 Q And where did this occur?

12 A In Wilmington.

13 Q Did you talk to him after that arrest?

14 A Yes, I did.

15 Q What was the substance of your conversation?

16 A In reference to his investigation?

17 Q Yes.

18 A Mr. Marte admitted the offenses before him,
19 and to continue the investigation, we asked Mr. Marte
20 if he had any information or anything that would
21 assist the Delaware State Police in furthering the
22 trafficking cocaine investigation. At which time, he
23 stated that he would like to help out. He had

A-166

WRIGHT - Direct

1 information to provide.

2 Q At that time, did you make any promises or
3 inducements to him?

4 A No. We tell everybody that we will speak on
5 their behalf. We don't have the authority -- only
6 the Attorney General's Office has the authority to
7 make any kind of promises or any kind of
8 recommendation. Mr. Marte remained in custody
9 throughout this investigation through the Department
10 of Corrections.

11 Q And to your knowledge prior to February 3rd,
12 did he have contact with the Deputy Attorney General?
13 Who had authority?

14 A No, he did not.

15 Q What did you do with Mr. Marte in early
16 February?

17 A I did an interview, and during the course of
18 the investigation, it was revealed that there were
19 two other subjects in Delaware that were actively
20 seeking to purchase a quantity of cocaine. Due to
21 the lateness, or I should say early morning hours,
22 Mr. Marte was transported to the Department of
23 Corrections, and we followed up the following day

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

A-11

A-167

WRIGHT - Direct

1 with the investigation.

2 Q And how did you go about following up that?

3 A I just responded to the Department of
4 Corrections, pulled Mr. Marte out, and obtained
5 further information about what he had said earlier.

6 Q Did you come to know the identification of
7 one of these individuals?

8 A Yes. One of the subjects was known by the
9 name as Raymond Bacon.

10 Q And how did your investigation proceed with
11 Mr. Marte?

12 A After obtaining the information about the
13 subjects that he had contact with prior to his arrest
14 about actively speaking to the purchase of cocaine,
15 it was taking this information, and really, we want
16 to corroborate to be able to follow up, be sure that
17 his information was accurate and correct.

18 Q How did you corroborate that information?

19 A We had Mr. Marte -- or I instructed
20 Mr. Marte to place a call to Mr. Bacon.

21 Q Did you witness him doing this?

22 A Yes, I did.

23 Q What did your investigation lead there?

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

A-169

WRIGHT - Direct

1 known to be a drug dealer?

2 A Pedro Marte.

3 Q And what is a "reversal"?

4 A Reversal is where someone will actively seek
5 to purchase, and they have the means to purchase the
6 cocaine. We will provide the cocaine for the sale.

7 Q And did you do that in this case?

8 A Yes, we did.

9 Q How did that come about?

10 A After receiving the conversation and
11 corroborating everything and talking with
12 supervisors, when you first start talking about this
13 quantity of cocaine, you are talking about a large
14 sum of money.

15 Also, the No. 1 concern is officer safety,
16 and actually, the safety of all parties that are
17 going to be involved because you have to take into
18 consideration the amount of money, and there's always
19 the possibility in our mind that someone is going to
20 take advantage of that situation and try not to go
21 through with the deal, but to try to rip one or the
22 other off.

23 If you have two people coming with a large

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

1 nothing but a normal trip to the store and back?

2 A. He proceeded from the Best Western to the
3 Wal-Mart and right back, yes.

4 MR. MALIK: Thank you, Detective. I have no
5 further questions.

6 Thank you, Your Honor.

7 MR. BUCKLIN: Your Honor, no further
8 questions.

9 THE COURT: You may step down.

10 THE WITNESS: Thank you, Your Honor.

11 (Witness steps down.)

12 MR. BUCKLIN: The State's next witness is
13 going to be Raymond Bacon.

14 THE BAILIFF: He's on his way up from the
15 holding cell, Your Honor.

16 THE COURT: May I see counsel at the sidebar
17 just for scheduling.

18 (Whereupon, counsel approached the bench and
19 a discussion took place off the record. After
20 which, counsel returned to the trial table and
21 the following proceedings were had:)

22 RAYMOND BACON

23 was called as a witness by and on behalf of the State

DAVID WASHINGTON
Official Court Reporter

A-14

B-89

BACON - DIRECT

1 there, you want the same thing to come back out.

2 Q. The hot plate and you said possibly some
3 baking soda, which bag were those located in?

4 A. I'm not sure even.

5 Q. Did you know what was in both bags?

6 A. Did I know what was in both bags?

7 Q. Yes.

8 A. After time went on, I did.

9 Q. When did you find out what was in both bags?

10 A. When Pedro opened the bag up.

11 Q. Was that much later you found out what was in
12 both bags?

13 A. Not that much later.

14 Q. But at the hotel?

15 A. Yeah.

16 Q. Did Mr. Hopkins say anything when he brought
17 the bags back to the car?

18 A. No.

19 Q. Did you say anything to him?

20 A. No.

21 Q. Where did you go from that house?

22 A. To Seaford.

23 Q. Where in Seaford did you go?

DAVID WASHINGTON
Official Court Reporter

A- 15

B-90

BACON - DIRECT

1 A. Best Western.

2 Q. What did you do when you got to the Best
3 Western?

4 A. Called Pedro, asked him what room he was in.

5 Q. When you went from the house to the Best
6 Western, who was driving?

7 A. Artel.

8 Q. When you got to the Best Western, you said
9 you called Pedro. Where were you when you called him?

10 A. The parking lot.

11 Q. Were you in the van or out of the van?

12 A. Getting out of the van, probably.

13 Q. Did you make any other calls?

14 A. No, not as I know of.

15 Q. Did you have any problem with your cell
16 phone?

17 A. Yeah. Once I was in the room, I did.

18 Q. Did you have any out in the parking lot?

19 A. No.

20 Q. When you called Mr. Marte, what did he say?

21 A. He told me what room he was in: 307.

22 Q. What did you say?

23 A. All right, I be up there.

DAVID WASHINGTON
Official Court Reporter

A- 16

C-25

MARTE - Direct

1 Whereupon,

2 PEDRO MARTE

3 was called as a witness by and on behalf of the State
4 of Delaware and, having been first duly sworn, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BUCKLIN:

8 Q Good morning, sir. Will you please
9 introduce yourself for the record and jury?

10 A My name is Pedro Marte.

11 Q And where do you currently reside?

12 A I'm from New York.

13 Q Right now where are you living?

14 A I am incarcerated right now in Gander Hill.

15 Q But prior to that, where were you from?

16 A Prior to me being incarcerated, New York.

17 Q Where in New York?

18 A Manhattan.

19 Q So New York City?

20 A Yes.

21 Q Have you ever been to Delaware before?

22 A Yes, sir.

23 Q When were you in Delaware previously?

C-26

MARTE - Direct

1 A I was incarcerated at SCI.

2 Q Do you remember when that was?

3 A Yes. I got incarcerated on September 2000.

4 I came in.

5 Q And why were you incarcerated?

6 A For trafficking.

7 Q Sorry, trafficking what?

8 A Cocaine, crack.

9 Q Were there any other charges associated with
10 that?

11 A No, sir.

12 Q Was that what you pled to?

13 A Yes.

14 Q And what was the weight of the cocaine that
15 you pled to? Do you remember?

16 A Fifty to hundred I believe, I'm not sure.

17 Q And this was in 2000?

18 A Yes, sir.

19 Q Did you spend any time in jail as a result
20 of that?

21 A Yes, sir.

22 Q How long?

23 A I did 39 months.

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

4-18

C-28

MARTE - Direct

1 Q Have you been convicted of any other
2 offenses in Delaware up until recently?

3 A No, sir. That's the only two.

4 Q After you went back to your mother's house
5 in New York, did there come a time when you returned
6 to Delaware?

7 A When I was over there, you know, I was just
8 trying to get a job and stuff. So stuff just got
9 hard, you know. I had to start -- I went over there
10 on Interstate Compact. So I had to still pay my
11 fines. So I just, you know, that's when I came back.

12 Q When did you come back?

13 A On January 30th I believe.

14 Q Where did you return to? Where did you come
15 to Delaware?

16 A To Wilmington.

17 Q And why did you come back?

18 A I was supposed to do a deal with this guy.

19 Q When you say "do a deal", what does that
20 involve?

21 A He was supposed to buy some drugs from me.

22 Q What kind of drugs?

23 A Cocaine.

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

C-29

MARTE - Direct

1 Q How much? What is the quantity?

2 A He asked for a kilo, and then on the way
3 over there, he said, you know, if you have a little
4 extra just throw a little bit. So he was going to
5 buy one kilo.

6 Q But your intent when you entered Delaware
7 was you were trying to sell two kilos of cocaine?

8 A One.

9 Q One?

10 A Yes.

11 Q Okay. And what happened when you got to
12 Wilmington and tried to sell this?

13 A When I entered the room, I went in there,
14 you know, expecting to do a deal, and when the guy,
15 you know, sold the stuff, whatever, the cops just ran
16 into the room, and I got incarcerated. I got, you
17 know, locked up.

18 Q You got arrested?

19 A Yes.

20 Q Do you remember what the charges were that
21 you got arrested for?

22 A Got arrested for, I believe, it was
23 trafficking cocaine over hundred grams and committing

C-30

MARTE - Direct

1 a felony while having a firearm, and I don't remember
2 all of them but with the vehicle having stash.

3 Q Was that maintaining a vehicle?

4 A Yes, I believe.

5 Q Were you charged with possession with intent
6 to distribute that cocaine?

7 A I can't remember.

8 Q Did you talk to the police after your
9 arrest?

10 A Yes, sir.

11 Q Do you remember the name of the police
12 officer that you spoke to?

13 A I only remember one. I don't remember the
14 other one because that is the one that I stood in
15 touch with.

16 Q What was the name that you remember of the
17 police officer?

18 A Mr. Daniel Wright.

19 Q Would you recognize him if you saw him
20 again?

21 A Yes, sir.

22 Q Do you see him in the courtroom today?

23 A Yes, sir.

C-31

MARTE - Direct

1 Q Where is he seated? What is he wearing?

2 A He is right in front of me wearing a brown
3 suit.

4 MR. BUCKLIN: Your Honor, let the record
5 reflect Detective Wright has been identified. He is
6 the only person on this side with a brown suit.

7 BY MR. BUCKLIN:

8 Q Do you remember talking to Detective Wright
9 after your arrest?

10 A Yeah.

11 Q And what do you recall of that conversation?
12 What happened?

13 A You know, basically, I was in a lot of
14 trouble for -- plus the fact that I just had come out
15 and already in trouble. So he basically, you know,
16 made it clear that I was facing a lot of time plus my
17 violation and all that stuff. So he said, you know,
18 "Would you like to help yourself," and I said, "Of
19 course."

20 Q What impression did you get that "help
21 yourself" meant?

22 A Obviously, you know, I was just going to
23 help myself doing whatever I had to do.

C-32

MARTE - Direct

1 Q Did he tell you what to do?

2 A He asked me do you know, you know, can
3 you -- do you know anymore people here in Delaware
4 that you could bring stuff to.

5 Q What did you say?

6 A I said yeah.

7 Q Did you identify to Detective Wright at that
8 time who you thought you could do that with?

9 A Excuse me?

10 Q Did you tell Detective Wright who it was
11 that you knew?

12 A Yeah.

13 Q What was the name that you told Detective
14 Wright?

15 A It was a guy over in Wilmington Reggie,
16 Reggie.

17 Q Was there anyone in Sussex that you spoke to
18 him about?

19 A I said Bake.

20 Q Now is this -- you referred to him as Bake?

21 A Yes.

22 Q Is that his full name?

23 A That's the name I know him by.

C-33

MARTE - Direct

1 Q How do you know him?

2 A Because we did time together.

3 Q Do you remember when you first met him?

4 A Yes, it was during -- while I was in the Key
5 Program that I met him, and then I saw him again over
6 in Work Release Center. I was mandatory building
7 worker, and he was on his way home, and then I met
8 him again. We got together because we started to do
9 this asbestos class. We started taking that class,
10 and there was this guy, you know, we just started
11 talking about, you know, just stuff to do when we go
12 home and stuff.

13 Q When you say "stuff to do when you get
14 home", what are you referring to?

15 A I'm saying, you know, we was looking forward
16 to, you know, getting jobs and stuff.

17 Q So at that point, you weren't talking all
18 the time about illegal activity?

19 A It came up. It was not something -- it was
20 not a priority because of the simple fact that when I
21 was incarcerated I wasn't thinking about doing this
22 till, you know, I went out there and stuff started to
23 happen that, you know, I had to pay bills, and I

C-34

MARTE - Direct

1 couldn't find a job. I couldn't find a job in that
2 field because my license was from Delaware. So I had
3 to change it to New York, and I didn't know how to do
4 it over there.

5 So I went to a couple of jobs to a couple of
6 places where they needed people, filled out some
7 applications, but, you know, they would never call
8 because of the felony stuff.

9 Q When you returned to New York, did you keep
10 in contact with this person named Bake?

11 A Yeah.

12 Q How did you keep in contact with him?

13 A I just called him. He was still on the box
14 so he was just, like, he was just laying low. He was
15 trying do his thing right.

16 Q Did you talk to him about your situation in
17 New York looking for a job?

18 A I don't think not like that because our
19 conversation used to be like, you know, they were
20 just quick. How you doing? What's up, basically.
21 That's it.

22 Q How did you know to contact him? How would
23 you get in contact with him?

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

C-50

MARTE - Direct

1 Q And you just said that you set up a deal?

2 A Yes, sir.

3 Q How? Do you remember the conversation?

4 A I remember a little bit of it.

5 Q What do you remember of the conversation?

6 A It was just basically I was just calling him
7 to see what he was, you know, what he was up to.
8 Well, I told him that I was coming down this way to
9 do something. So, you know, if he -- either him or
10 anybody wanted anything, and he said that he -- that
11 his boy might want something, whatever, and then I
12 believe he got in touch with him, and he told him
13 that he wanted, you know, that he was going to try to
14 because prior to -- I don't know how long before the
15 deal that we was going to address the problem with
16 someone else.

17 Q Did you specifically mention the word
18 "cocaine" during this conversation?

19 A No.

20 Q Why not?

21 A Not -- cause you don't talk like that over
22 the phone.

23 Q How do you talk over the phone?

C-51

MARTE - Direct

1 A You know you speak in codes.

2 Q So when you said "you were coming down this
3 way and if anybody wanted anything," what did you
4 mean by that?

5 A I was asking him if he knew anybody who
6 wanted anything like they wanted to buy drugs or
7 something so.

8 Q And do you remember specifically what his
9 response was?

10 A He said that he had his boy. His boy, you
11 know, would buy some.

12 Q And you said something about something
13 wanted to try two?

14 A Yeah. Because he said he wanted two. He
15 had said -- I believe I spoke to him personally over
16 the phone, and he had told me if I wait up. If it
17 was not over the phone, it was when the stuff
18 happened, but he wanted to because he wanted to try
19 to because couple weeks prior to that day, he had
20 like -- he had gone to another state and had lost a
21 big deal of money.

22 Q Okay. Did you talk about price?

23 A Yes.

C-52

MARTE - Direct

1 Q Did you talk to Bake about price?

2 A Yes.

3 Q Do you remember that conversation?

4 A You know, we was just discussing stuff.

5 Q How did the discussion go?

6 A He just told me to give him a number, and I
7 believe I started with 24, and he said you know that
8 was probably too much. So then I said either 24, 23
9 and a half. I can't do no better than that.

10 Q Did he say any numbers, or did he agree to
11 anything?

12 A You know he said it was good. That's why
13 everything went down.

14 Q When you say 23 and a half, exactly what
15 amount of money?

16 A \$23,500.

17 Q And that's for each kilo?

18 A Yes.

19 Q Was there a discussion about where the money
20 was coming from?

21 A No, we didn't discuss exactly. His friend
22 was going to get it.

23 Q How did you know that his friend was getting

C-53

MARTE - Direct

1 it?

2 A Because he had told me during the
3 conversation, you know, that his friend was going to.
4 You know, he was going to try to. I'm not sure if he
5 was there with him or if he called him, but I know
6 that he was discussing it. I can't remember.

7 Q And did he ever mention his friend's name?

8 A He mentioned it, but I didn't remember the
9 name. He just mentioned it.

10 Q Did he mention it during that telephone
11 conversation?

12 A Yes.

13 Q And this is the same telephone conversation
14 that the two detectives were monitoring?

15 A Yes.

16 Q Did you have -- do you remember if when you
17 heard the name, whatever it was, if you knew the
18 person he was talking about?

19 A No. I never met him before.

20 Q Do you have any concerns in the sale or
21 purchase of cocaine when you are dealing with
22 somebody you don't know?

23 A No, because it was, you know, it was a

C-54

MARTE - Direct

1 friend of mine introduced me to somebody that he
2 trusts so it was okay.

3 Q How did you know it was somebody that he
4 trusted?

5 A Because when he said his name, he also
6 said -- he reminded me you remember the guy I was
7 telling you about. You know, he had the big rims on
8 the truck, whatever. I said yeah. Well that's him,
9 whatever. I said okay.

10 Q What plans did you make to exchange the
11 money and the cocaine?

12 A What plans?

13 Q Yes.

14 A Well, I told him I was going to call him
15 when I was around, and that was it. We set up a
16 time. I believe it was either one or two.

17 Q Did he or you ever say what city you were
18 coming down to?

19 A If I'm not mistaken, I said I was going to
20 make a stop in Wilmington. No, I think I said -- I
21 am not hundred percent sure -- I believe I said
22 Wilmington and then come down here and keep going
23 down state. That's, you know, as far as I can

C-55

MARTE - Direct

1 remember.

2 Q Do you remember whether or not you said
3 anything about a place to meet?

4 A No. I just told him when I -- you know,
5 when I'm around, I'm going to give you a call.

6 Q And was there any response to that?

7 A He said all right. He said it was okay.

8 Q Did you have any other conversations that
9 same day with this person known as Bake?

10 A Not that I can remember. I believe I went
11 back to prison after that.

12 Q What did you have -- what happened? You
13 said you went back to prison. Did you see Detective
14 Wright after you went back to prison?

15 A He took me, and then that was it. I just
16 had to wait for the next day.

17 Q So the next day, did you see Detective
18 Wright?

19 A I saw him in the hotel.

20 Q Do you remember how you got to the hotel?

21 A Yeah, I was escorted by another detective.
22 He was playing the part.

23 Q What part was he playing?

C-68

MARTE - Cross

1 A Yes, sir.

2 Q You were also aware that you were facing
3 additional time beyond the minimum mandatory time on
4 those charges, right?

5 A It was just when they told me what I was
6 facing, they didn't make nothing else. They didn't
7 tell me no other time. They just said that. You are
8 facing 18 years in jail minimum mandatory.

9 Q Eighteen minimum mandatory?

10 A Yes.

11 Q Now, in order to avoid -- strike that
12 question. You ultimately did strike a plea bargain
13 with the State, correct?

14 A Yes, sir.

15 Q In that plea bargain, you received a charged
16 trafficking cocaine, right?

17 A Yes.

18 Q But it was first level trafficking between 5
19 and 50 grams, right?

20 A Yes, sir.

21 Q And on that charge, you only received a
22 three-year minimum mandatory sentence, right?

23 A Yes, sir.

C-69

MARTE - Cross

1 Q And you received a probationary sentence to
2 follow that as well of three years, correct?

3 A Yeah, but I received six years suspended
4 after three years mandatory.

5 Q So that means when it suspended six years,
6 the first three would be in jail minimum mandatory,
7 right?

8 A Yes.

9 Q Then the second three years would be served
10 on probation; is that right?

11 A Yeah.

12 Q In connection with that case to come down
13 from 18 years minimum mandatory to three years
14 minimum mandatory with three years probation to
15 follow, did you engage in any cooperation with the
16 government, with the State?

17 A No, sir.

18 Q They just gave you that deal straight up?

19 A Because of my lawyer. You know, I had two
20 lawyers. So basically they do what they have to do.

21 Q But it's your testimony that you did not
22 cooperate in any way against any individual back
23 then?

C-71

MARTE - Cross

1 So by the time they accepted my probation, I had
2 already been in trouble and made bail and was now
3 working labor in New York.

4 Q You said you had been working where in New
5 York?

6 A I was working in a hotel in a restaurant.

7 Q So when exactly, if you recall, did you get
8 out of jail in Delaware on your -- this would have
9 been the February 2000 trafficking charge?

10 A December 11th. I believe it was either
11 December 11th or the 12th.

12 Q December 11th was that in 2000?

13 A 2003.

14 Q 2003. Okay. Then it took approximately
15 three months in order to get picked up with a
16 probation officer in New York to conduct your
17 supervision?

18 A It took something like that, yes.

19 Q And you had to make -- write in reports,
20 written reports back to Delaware until -- excuse me.
21 You had a New York probation officer supervise you?

22 A Yes, I am saying all I did was just write
23 the paper. That was it.

C-72

MARTE - Cross

1 Q When you did ultimately get a New York
2 probation officer --

3 A Yes.

4 Q -- did you meet with that probation officer?

5 A Yes, sir.

6 Q Did you discuss with that probation officer
7 your \$18,000 fine obligation?

8 A I do not remember.

9 Q Did that probation officer indicate to you
10 on your first meeting we have to take care of this
11 \$18,000 fine?

12 MR. BUCKLIN: May we approach, Your Honor?

13 (Whereupon, counsel approached the bench and
14 the following proceedings were had:)

15 MR. BUCKLIN: By my calculation, Your Honor,
16 he got out of jail and went to New York on
17 December 11th of 2003. And it wasn't until three
18 months later that he got a New York probation
19 officer, that would be January either February or
20 March after this incident. So I don't see the
21 relevance of anything that happened prior to or
22 including cooperation up to this incident because he
23 never had this conversation with any probation

C-84

MARTE - Cross

1 Q You wanted to avoid getting back in the drug
2 business?

3 A Yes, sir.

4 Q But here it's your testimony to the
5 prosecutor around about January the 30th of this
6 year, since things were tough and you had to pay this
7 fine, you decided on your own to get back in the drug
8 business, right?

9 A Yes.

10 Q This was less than two months after being
11 released from a 39-month prison sentence, right?

12 A Yes.

13 Q Now after you were -- when you struck this
14 deal in Delaware with the other individual, you said
15 that you were going to bring down one kilogram of
16 cocaine?

17 A Yes.

18 Q And is it your testimony here that from the
19 time you got out on December 11th until this one
20 kilogram of cocaine, you had no other prior drug
21 dealing?

22 A In New York, I did.

23 Q When did you start up your drug dealing in

C-116

MARTE - Redirect

1 Q Which one of those did you see him touch?

2 A I believe he touched -- I think he looked at
3 both of them, but I guess he was concerned about the
4 one that was already open. I'm not a hundred percent
5 sure, but I believe he had the one that was already
6 open. It was all, you know, messed up. So I guess
7 he was checking that one out.

8 Q And what happened while he was doing that?

9 A That's when the police came into the room
10 and arrested everybody.

11 Q And you said arrested everybody?

12 A Yes, sir.

13 Q They took you back into custody?

14 A Yes, sir.

15 Q You didn't receive any charges out of this
16 incident, correct?

17 A No, sir.

18 Q Prior to the drugs coming into the room, did
19 you see them?

20 A Yes.

21 Q The two kilos of cocaine?

22 A Yes, sir.

23 Q Was there anything different in the packing

1 bolstered by the corroboration that you find in that
2 video-tape. If the video-tape were the only evidence
3 that we were going to present to you, this trial may
4 have been different. It may have been shorter.

5 But I don't know if you would agree or not
6 that you may have more faith in a process when poker is
7 played with the cards up and they are all on the table
8 than when some of them are kept concealed underneath
9 the table and only a few are placed up for you to view.

10 You have seen all of the evidence. You have
11 seen detailed accounts from the witnesses of what they
12 were doing over the two-day period, and that puzzle
13 shows a picture of Mr. Hopkins -- and you have seen it
14 on the screen -- knowingly in possession of over two
15 thousand grams of cocaine. Forty-seven thousand
16 dollars of cash was brokered for that deal.

17 He was there because he knew what was
18 happening. Nobody had to tell him what was happening.
19 He took actions in that room and made statements like
20 "beat for six"; "I am waiting for my guy in Houston."
21 Absent that, if you turned off the sound and watched
22 the choreographed actions that he took in that room,
23 knowing that he does it without instruction, he had to

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

A-38

D-51

MARTINEZ - DIRECT

1 Investigations Unit then on February 3rd of this year?

2 A. Yes, I was.

3 Q. Do you remember or did you take part in an
4 undercover operation on that day?

5 A. Yes.

6 Q. What were your duties as far as that
7 operation?

8 A. I assisted Detective Wright with obtaining
9 the cocaine from the Custom's Service in Wilmington.
10 I took custody of it. I also took custody of a second
11 kilo of cocaine, which was taken from the Superior
12 Court here at the Prothonotary's Office to be used in
13 this investigation. I assisted him in obtaining a
14 hotel room at the Best Western Lodge, I believe it
15 was, in Seaford, as well as maintaining custody of the
16 cocaine at that time and transporting it to the room
17 upon getting a phone call.

18 Q. Did you have any role in collecting and
19 cataloging the evidence seized in this case?

20 A. Yes.

21 Q. What was that role?

22 A. Upon executing the arrest of the defendants,
23 I was then in charge with collecting all the evidence

DAVID WASHINGTON
Official Court Reporter

A-39

MARTINEZ - DIRECT

1 just briefly?

2 THE COURT: Yes.

3 (Whereupon, counsel approached the bench and
4 the following proceedings were had:)

5 MR. BUCKLIN: Your Honor, we want to you give
6 you the heads-up. There is other evidence stickers on
7 the next. It will be explained that this kilo of
8 cocaine was actually held in the Superior Court.

9 THE COURT: That was the Bodnari case.
10 Everybody understands this is a reversal.

11 MR. BUCKLIN: I will ask him quickly about
12 that for the jury's idea.

13 THE COURT: Sure.

14 MR. MALIK: No problem with that.

15 MR. BUCKLIN: I wanted to point that out.

16 THE COURT: Sure.

17 (Whereupon, counsel returned to the trial
18 table and the following proceedings were had:)

19 MR. BUCKLIN: Your Honor, I have shown the
20 next proposed exhibit to defense counsel. If there
21 isn't any objection, I'd like to make it the next
22 State's Exhibit.

23 MR. MALIK: No objection, Your Honor.

DAVID WASHINGTON
Official Court Reporter

A-40

D-82

MARTINEZ - DIRECT

1 THE COURT: It's admitted.

2 THE CLERK: Admitted as State's Exhibit No. 20.

3 20.

4 MR. BUCKLIN: May I approach the witness?

5 THE COURT: Sure.

6 BY MR. BUCKLIN:

7 Q. Detective Martinez, I am handing you was
8 marked as State's Exhibit No. 20. Do you recognize
9 what I handed to you?

10 A. Yes.

11 Q. What is that?

12 A. It's a brown evidence bag containing
13 approximately one kilo or kilogram of cocaine, the
14 second kilo.

15 Q. Did you place this into evidence?

16 A. Yes.

17 Q. With the evidence bag?

18 A. Yes.

19 Q. Can you please open it and confirm. Now,
20 Detective, you have taken something out of that
21 evidence. What is that you got in your hands right
22 now?

23 A. It's the second evidence bag that contained

DAVID WASHINGTON
Official Court Reporter

A-41

D-83

MARTINEZ - DIRECT

1 the same kilo of cocaine from a previous drug
2 investigation that I was involved in as well. And by
3 looking at it, it's still consistent with the same
4 kilo of cocaine.

5 Q. The other evidence bag, where is that from?

6 A. This is a case that has already been
7 adjudicated here in Sussex County. I believe a 1999
8 case.

9 Q. How did you come to have these drugs
10 originally?

11 A. We needed a second kilo. I was then asked to
12 contact Deputy Attorney General Adam Gelof here in the
13 Attorney General's Office and attempted to obtain the
14 second kilo. That's how we obtained this one.

15 Q. What did you do to obtain this second kilo
16 from Deputy Attorney General Adam Gelof?

17 A. Can I take a look at it to refer --

18 Q. You need to refer to notes?

19 A. Yes.

20 Q. If that refreshes your recollection, please
21 read them and let us know if your recollection is
22 refreshed.

23 A. Mr. Gelof wrote a motion for release of

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Official Court Reporter

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D-84

MARTINEZ - DIRECT

1 evidence, dated February 3rd, 2004, requesting that
2 this particular kilogram be released from the
3 Prothonotary's evidence locker to the Delaware State
4 Police to be used in this drug investigation.

5 Q. To your knowledge, was that motion granted?

6 A. Yes, it was.

7 Q. What did you do after that motion was
8 granted?

9 A. I was taken to the evidence locker here in
10 the Superior Court. The kilogram was taken out of the
11 locker, at which point, I took pictures of it when it
12 was taken from the locker and then I transported it to
13 the motel in Seaford, at which time I processed the
14 kilogram to remove some of the evidence tape so that
15 we can -- obviously, in this particular investigation,
16 we didn't want evidence tape all over the kilogram of
17 cocaine.

18 Q. Why not?

19 A. We wanted to give the impression that the
20 subjects involved in this case were getting an actual
21 kilo of cocaine from a street dealer and no evidence
22 from the Delaware State Police.

23 Q. And did you keep this kilo of cocaine in your

DAVID WASHINGTON
Official Court Reporter

A-43

D-85

MARTINEZ - DIRECT

1 possession and custody?

2 A. Yes.

3 Q. Did there come a time when the kilo of
4 cocaine was out of your possession and custody?

5 A. Yes, sir.

6 Q. When was that?

7 A. The two kilos of cocaine were in my custody
8 until I would receive a phone call from Marte, who
9 then asked me to respond to his room. At which time,
10 I took both kilos of cocaine in plastic bags and
11 handed it to him and returned back to the room.

12 Q. Were you able to see in the room at all?

13 A. No.

14 Q. Did these kilos of cocaine come back into
15 your possession at any time?

16 A. Yes.

17 Q. When did they come back into your possession?

18 A. Approximately five minutes later.

19 Q. Were they in substantially the same
20 condition?

21 A. This particular kilo of cocaine, what I did
22 was to hide the stains from the original
23 investigation, I wrapped it in newspaper with black

DAVID WASHINGTON
Official Court Reporter

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTYMalik
11-19-04

STATE OF DELAWARE

VS.

ARTEL J HOPKINS

Alias: JERMAINE A HOPKINS

DOB: 07/12/1972
SBI: 00254263CASE NUMBER:
0402002032CRIMINAL ACTION NUMBER:
S04-02-0653I
TRF.COC.>100 GR(F)
S04-02-0654I
PWITD NSII CS(F)
S04-02-0655I
MAINT BUILDING(F)
S04-02-0656I
CONSP 2ND(F)
S04-02-0657I
POSS DRUG PARAP(M)SENTENCE ORDERNOW THIS 12TH DAY OF NOVEMBER, 2004, IT IS THE ORDER OF
THE COURT THAT:The defendant is adjudged guilty of the offense(s) charged.
The defendant is to pay the costs of prosecution and all
statutory surcharges.AS TO S04-02-0653-I : TIS
TRF.COC.>100 GRThe defendant is to pay a fine in the amount of \$400000.00
of which \$400000.00 is suspended (see attachment).Effective November 12, 2004 the defendant is sentenced
as follows:

- The defendant is placed in the custody of the Department
of Correction for 25 year(s) at supervision level 5 with
credit for 284 day(s) previously served

- Suspended after serving 15 year(s) at supervision level
5

APPROVED ORDER 1 November 12, 2004 13:11

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STATE OF DELAWARE
VS.
ARTEL J HOPKINS
DOB: 07/12/1972
SBI: 00254263

- For 6 month(s) supervision level 4 WORK RELEASE
- Followed by 1 year(s) at supervision level 3
- Hold at supervision level 5
- Until space is available at supervision level 4 WORK RELEASE

The first 8 years of this sentence is a mandatory term of incarceration pursuant to DE164753AA2CFB .

Probation is concurrent to any probation now serving.

AS TO S04-02-0654-I : TIS
PWITD NSII CS

The defendant is to pay a fine in the amount of \$5000.00 of which \$5000.00 is suspended (see attachment).

- The defendant is placed in the custody of the Department of Correction for 10 year(s) at supervision level 5
- Suspended after serving 3 year(s) at supervision level 5
- For 18 month(s) supervision level 3

The first 3 years of this sentence is a mandatory term of incarceration pursuant to DE164751000CFC .

Probation is concurrent to any probation now serving.

AS TO S04-02-0655-I : TIS
MAINT BUILDING

- The defendant is placed in the custody of the Department of Correction for 3 year(s) at supervision level 5
- Suspended for 18 month(s) at supervision level 2

A- 46

STATE OF DELAWARE
VS.
ARTEL J HOPKINS
DOB: 07/12/1972
SBI: 00254263

Probation is concurrent to any probation now serving.

AS TO S04-02-0656-I : TIS
CONSP 2ND

- The defendant is placed in the custody of the Department of Correction for 2 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 2

Probation is concurrent to any probation now serving.

AS TO S04-02-0657-I : TIS
POSS DRUG PARAP

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 2

Probation is concurrent to any probation now serving.

SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE
VS.
ARTEL J HOPKINS
DOB: 07/12/1972
SBI: 00254263

CASE NUMBER:
0402002032

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Have no contact with Pedro Marte

Have no contact with codef., Raymond Bacon

While at Level 3, the defendant shall perform 5 hour(s) to 35 hours of community service per week unless fully employed.

Obtain and remain gainfully employed.

Should the defendant be unable to complete financial obligations during the period of probation ordered, the defendant may enter the work referral program until said obligations are satisfied as determined by the Probation Officer.

Be evaluated for substance abuse and follow any recommendations for counseling, testing or treatment deemed appropriate.

Defendant loses driving licenses/privileges pursuant to statute.



JUDGE RICHARD F STOKES

PROOF OF SERVICE

I, Artel Hopkins, declare: I am a resident of Sussex Correctional Institution, in the county of Sussex, State of Delaware.

On December 30, 2007, I served the attached: Petitioner's Habeas Corpus Appendix on the parties herein by placing true correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provide at the above-named correctional institution in which I am presently confined, and forward to :

Beau Biden
Attorney General
State of Delaware
844 North French St., 6th Fl.
Wilmington, DE 19801

Dated: 12/30/07

Artel Hopkins